

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO
ALL ACTIONS

)
) MDL NO. 1456
)

) CIVIL ACTION NO. 01-CV-12257-PBS
)

) Hon. Patti B. Saris
)

) **FILED UNDER SEAL**
)

**DECLARATION OF LUCY FOWLER IN SUPPORT OF ASTRAZENECA
PHARMACEUTICALS LP'S MEMORANDUM REGARDING FORMS
AND MANNER OF NOTICE PURSUANT TO
THE COURT'S REQUEST AT THE JUNE 5, 2006 HEARING**

I, Lucy Fowler, declare as follows:

1. I am an attorney with Foley Hoag, LLP, counsel for AstraZeneca Pharmaceuticals LP in this action. I submit this declaration in support of AstraZeneca Pharmaceuticals LP's Memorandum Regarding Forms and Manner of Notice Pursuant to the Court's Request at the June 5, 2006 Hearing.
2. Attached as Exhibit 1 and sub-parts A, B, C and D are copies of Defendants' proposal for joint forms of notice in annotated form.
3. Attached as Exhibit 2 and sub-parts A, B, C and D are copies of AstraZeneca's proposed individual forms of notice.
4. Attached as Exhibit 3 is a true and correct copy of excerpts from the transcript of the deposition of Katherine Kinsella, dated June 16, 2006.
5. Attached as Exhibit 4 is a true and correct copy of Exhibit 6 attached to the deposition of Katherine Kinsella, Katherine Kinsella, *Notification and Settlement Administration: Integrating Media and Direct Notice Through Third Parties* (2001).

6. Attached as Exhibit 5 is a true and correct copy of Exhibit 4 attached to the deposition of Katherine Kinsella, Katherine Kinsella, *Quantifying Notice Results in Class Actions*, CLASS ACTION LITIGATION REPORT, Vol. 2, No. 14 (2001) attached to the deposition of Katherine Kinsella.
7. Attached as Exhibit 6 is a true and correct copy of Katherine Kinsella, *The Ten Commandments of Class Action Notice*, 12 TOXICS L. REP. 488 (Sept. 24, 1997)
8. Attached as Exhibit 7 is a true and correct copy of Exhibit 5 attached to the deposition of Katherine Kinsella, February 14, 2006 Email from Tim McHugh to Katherine Kinsella, bearing bates numbers, AWP-KIN-00153-155.
9. Attached as Exhibit 8 is a true and correct copy of the Declaration of Greg Looney.
10. Attached as Exhibit 9 is a true and correct copy of excerpts from Exhibit A to the Affidavit of Katherine Kinsella.
11. Attached as Exhibit 10 is a true and correct copy of Exhibit 9 attached to the deposition of Katherine Kinsella, Better Homes & Gardens MRI Profile.
12. Attached as Exhibit 11 is a true and correct copy of Exhibit 10 attached to the deposition of Katherine Kinsella, National Geographic Magazine Audience Profile.
13. Attached as Exhibit 12 is a true and correct copy of Exhibit 7 attached to the deposition of Katherine Kinsella, Katherine Kinsella, *The Plain Language Toolkit for Class Action Notice*, CLASS ACTION LITIGATION REPORT, Vol. 3, No. 20 (2002).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 21, 2006.

By: /s/ Lucy Fowler
Lucy Fowler (BBO # 647929)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on June 21, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Lucy Fowler
Lucy Fowler